

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kao Kabushiki Kaisha a/t/a Kao Corporation
Serial No.: 78/925,970
Filed: July 10, 2006
Mark: TARGETED THERAPY
Our Ref: KAO 06/05535

Ellen J.G. Perkins
Examining Attorney
Law Office 110

REQUEST FOR RECONSIDERATION

NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



12-27-2007

U.S. Patent & TMO/TM Mail Rpt. 01 #72

This is in response to the Office Action dated June 27, 2007.

REMARKS

The Examining Attorney has made final the refusal to registration under Section 2(e)(1) on the ground that the mark is merely descriptive of the goods, non-medicated skin care preparations. For the reasons set forth below, Applicant respectfully submits that this final refusal is incorrect and that the Examining Attorney has not met the burden of proof required to sustain the refusal to register.

The Examining Attorney contends that, "The term TARGETED THERAPY, as applied to the Applicant's goods, conveys to consumers that the Applicant is providing products aimed at treat[ing] or helping specific skin conditions and that the mark immediately names the exact nature and purpose of the goods and does nothing else." The Examining Attorney attempts to support this conclusion by showing third party use of this term through a Google search. The

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on:

December 21, 2007
(Date of Deposit)

Rachel L. Barmack
(Signature)

Rachel L. Barmack
(Printed name of person mailing paper or fee)

December 21, 2007
(Date of Signature)

Examining Attorney concludes that the excerpted Google articles illustrate that manufacturers use the term "TARGETED" or "TARGETED THERAPY" to refer to skin care preparations and therefore that the mark in issue is descriptive. Applicant submits that a final refusal on this basis is unsupported and is in fact incorrect for four reasons.

First, the excerpted articles do not show that TARGETED THERAPY is descriptive. There are only two articles showing use of the exact words, "TARGETED THERAPY" and these two articles do not prove this word combination is descriptive.

Second, all remaining articles attached to the Office Action show use of TARGETED with some other word such as "treatment" or "skin care preparation" – these are not words that make up the mark in issue, therefore, these articles prove nothing and are irrelevant.

Third, the Examining Attorney has concluded that the disclaimer of "THERAPY" by the Applicant is a concession that this part of the mark is descriptive and therefore alludes to the fact that since TARGETED can be shown to be descriptive, that the mark as a whole is descriptive. Applicant submits that this is incorrect. Just because THERAPY is disclaimed does not mean that it should be discounted—the overall commercial impression of the mark is assessed by consumers based upon how the mark is viewed in the marketplace, including both elements. As a whole, the mark TARGETED THERAPY is not descriptive.

Fourth, the Examining Attorney concludes that the mark as a whole is descriptive, but as a matter of law this is incorrect. The mark TARGETED THERAPY does not identify a specific function or purpose of the product, it simply suggests that the product works to achieve or zone in on a problem (but what problem?), and provides some type of therapy (what does therapy mean in this context? To treat? To only provide relief?) When questions exist about the purpose or function of the product, case law is clear that a mark is suggestive.

I. THE GOOGLE EVIDENCE DOES NOT SHOW THAT THE MARK IS MERELY DESCRIPTIVE

A. There are only two articles that show use of the exact terms in issue

The Examining Attorney attached excerpted Google articles to support her finding of descriptiveness, only two of which show the exact term “targeted therapy” which Applicant seeks to register. These articles do not demonstrate that this mark is descriptive. Each article shows the mark with an explanatory qualifier after it, therefore, this demonstrates that the term “targeted therapy” is not being used by the relevant trade truly as a descriptor.

The first article attached to the Office Action, promoting American Crew Revitalize Serum, reads as follows: “Targeted therapy for your scalp...delivers concentrated action to those areas that require special attention. Use it as the final step to help prevent hair loss....” (emphasis added). This further wording is needed to explain what “targeted therapy” means. Applicant submits that this supports the conclusion that the mark is suggestive because an explanation is needed to understand the function or purpose of the product.

The second article promotes Nivea Good-bye Cellulite Patches. The use of “targeted therapy” is followed by the wording, “For cellulite. Diminishes fatty build-up on the hips, thighs, and stomach....”(emphasis added). The wording “for cellulite” is what identifies the purpose of the goods and “diminishes fatty build-up” is what informs consumers about the product’s function. Without this wording, the purpose and function of the product are unclear. “Targeted therapy” alone tells the consumer nothing.

B. Articles showing “TARGETED” with other words are irrelevant

The other Google excerpts attached to the Office Action do not even use the exact mark at issue – they show various combinations of terms (“targeted treatments” or “targeted skin care”). Therefore, these other articles do not stand as evidence that “**targeted therapy**” is used as a descriptive phrase by the relevant trade. On this basis, having put forth only two articles

showing use of “targeted therapy,” it is clear that the Examining Attorney has failed to satisfy the necessary evidentiary burden to sustain a final refusal in this application. In fact, as explained below, Applicant submits that these further articles support the premise that the “targeted” is not descriptive and that the mark as a whole is suggestive.

First, there is a reference from the Jan Marini Skin Research website which describes a product as “designed to provide excellent, targeted **skin care**” (emphasis added). This is not the mark TARGETED THERAPY. Moreover, it can be argued that the terminology “targeted skin care” in and of itself is not descriptive because it is clearly used to capture a consumer’s attention and raise questions about the true nature of the product so that they will read more to find out exactly what the product “targets” and what results it provides.

Next, the Examining Attorney has set forth an article for B GLOWING stretch mark minimizing cream which is described as “targeted **treatment** for existing stretchmarks that features...”(emphasis added). This is not the mark in issue and the terminology is followed by explanatory text which informs a consumer exactly what is being “targeted”—stretchmarks.

Third is a website for Louise Bianco Skin Care, in which the term “targeted products” is used; this is not the mark in issue. Moreover, this term is also followed by explanatory text which lays out exactly what the product targets: “targeted products for any skin type or concern – dry, acne, prone, mature, sensitive, oily, normal or any combination.”

Lastly, is an excerpt to the Beautyhabit website which again features terms that are not the mark: “targeted treatments,” and this term is followed by the explanatory language: “targeted treatments to specific skin concerns for the face and body (such as wrinkles, cellulite, stretch marks from weight loss or pregnancy, dehydrated skin, ...”).

Applicant submits that the evidence put forth does not show TARGETED THERAPY to be descriptive, instead it does just the opposite and stands as evidence to support that the mark is suggestive. In each case in which the word “targeted” was used (with THERAPY or with terms

much more arguably descriptive than "THERAPY," such as "treatment"), the user found it necessary to provide explanatory language clarifying what the terms meant and the purpose of the product. This supports Applicant's position that standing alone, the word "targeted" does not merely describe anything and, when combined with "THERAPY," it creates an inherently distinctive composite mark.

II. THE EXAMINING ATTORNEY IMPROPERLY IGNORES BOTH COMPONENTS OF THE MARK WHEN EVALUATING WHETHER THE MARK IS REGISTRABLE.

The Examining Attorney has dismissed the word THERAPY from the mark because it has been disclaimed. It is improper to dismiss a word on this basis only. Disclaimed matter still has an affect on the overall commercial impression of the mark because consumers see the mark as a whole. Case law is very clear that even if an element of a composite mark is descriptive, the mark as a whole may not be descriptive. See, Scwarzkopf v. John H. Breck, Inc., 340 F.2d 978, 144 U.S.P.Q. 433 (CCPA 1965) ("even if a descriptive portion of a mark has been disclaimed, the total composite will be considered when evaluating the mark.. "). Even if a term is disclaimed, the disclaimed portion is still part of the mark and lends to its overall commercial impression. Estate of P.D. Beckwith, Inc. v. Commissioners of Patents, 252 U.S. 538, 545-46, 40 S.Ct. 414, 416-17, 64 L.Ed. 705 (1920) ("The commercial impression of a trade-mark is derived from its whole"); see also, California Cooler, Inc. v. Loretta Winery, Ltd., 774 F.2d 1457, 1455, 227 U.S.P.Q. 808, 810 (9th Cir. 1985).

The mark must be evaluated as whole when assessing whether it is merely descriptive. When looking at the mark as whole, it creates a question in the mind of consumers as to how "targeted" relates to "therapy." This formulates the suggestive nature of the mark and prompts a consumer to think: How does this product act as a "therapy"? How and what does it target as a therapeutic product? Both terms are undefined to a consumer as to function and purpose and therefore, acting together they create a suggestive trademark.

III. CASE LAW DOES NOT SUPPORT A FINDING THAT THIS MARK IS DESCRIPTIVE

A. The evidence does not show that consumers perceive the mark as descriptive

Applicant reiterates that the mark TARGETED THERAPY is suggestive, not descriptive. A determination of mere descriptiveness is one based on fact, not speculation. Mere descriptiveness is determined from the viewpoint of the relevant purchasing public. In re Abcor Development Corp., 200 U.S.P.Q. 215, 218 (CCPA 1979). A finding of mere descriptiveness is based on evidence showing the public's understanding of the term as shown by competent sources. In re Northland Aluminum Products, Inc., 227 U.S.P.Q. 961, 963 (Fed.Cir. 1985). As explained above, the Examining Attorney has failed to produce evidence showing that the public understands the meaning of "targeted therapy."

B. Thought is needed to understand the nature of the goods

The law is clear that a mark is deemed suggestive, and not descriptive, if imagination, thought, or perception is required to reach a conclusion as to the nature of the goods or services. In re TMS Corp. of the Americas, 200 U.S.P.Q. 57, 58 (T.T.A.B. 1978); Stix Products, Inc. v. United Merchants and Manufacturers, Inc., 160 U.S.P.Q. 777, 785 (S.D.N.Y. 1968). Even a mark that is highly suggestive is still registrable. Minnesota Mining and Manufacturing Co. v. Johnson and Johnson, 454 F.2d 1179 (C.C.P.A. 1972). Regarding the registrability of suggestive marks on the Principal Register, TMEP § 1209.01(a) states:

Suggestive marks are those which require imagination, thought or perception to reach a conclusion as to the nature of the goods or services [A] designation does not have to be devoid of all meaning in relation to the goods and services to be registrable.

See also Rodeo Collection, Ltd. v. West Seventh, 812 F.2d 1215, 2 U.S.P.Q. 2d 1204, 1206 (9th Cir. 1987) ("if a consumer must use more than a small amount of imagination to make the association [of a product attribute] the mark is suggestive and not descriptive"). As stated infra, when questions exist such as: what does target actually mean, or what type of therapy is

involved, then the mark is truly suggestive because some degree of thought is needed to understand the nature of the goods.

C. Just because common terms are involved does not mean the mark is descriptive

It is well-settled that the mere fact that a mark is composed of commonly used terms does not automatically render that mark descriptive of an applicant's goods or services. See, e.g., Application of Colonial Stores, 394 F.2d 549 (C.C.P.A. 1968) (SUGAR & SPICE not merely descriptive of bakery products). Instructive here is the decision of In re TMS Corp. of the Americas, 200 U.S.P.Q. 57, 58 (T.T.A.B. 1978), where the Board – in reversing the refusal to register the mark THE MONEY SERVICE for financial services in which funds are transferred to and from a savings account, stated:

It is our opinion that because the mark THE MONEY SERVICE is composed of commonly used words of the English language, it suggests a number of things, but yet falls short of describing Applicant's services with any one degree of particularity. To effect a readily understood connection between Applicant's mark and its services requires the customer or prospective customer to use thought, imagination and perhaps an exercise in extrapolation.

Another instructive decision is Douglas Laboratories Corp. v. Cooper Tan, Inc., 210 F.2d 453 (2d Cir. 1954), cert. denied, 347 U.S. 968 (1954). There, the court found the mark COPPERTONE for suntan lotion to be fanciful and not descriptive. The court used the test of the “imaginativeness involved in the suggestion” and held that the words “copper” and “tone” were “more of a come-on, to allure the trade, than a mundane description of the preparation itself or its indirect consequences.” Id. at 458. See also Plough, Inc. v. Florida Tan Products Co., Inc., 174 U.S.P.Q. 46 (T.T.A.B. 1972) (Board holding that FLORIDA TAN not merely descriptive of suntan lotion, stating “it is quite apparent that you cannot pour a Florida tan out of a container. To get a Florida tan, one would have to bask and bake in the Florida sun”). Id. at 47.

The same reasoning applies to the instant case. The words TARGETED and THERAPY may arguably be commonly used terms, but this does not mean that as used together they are descriptive of Applicant's goods. As in Douglas, the mark is not a "mundane description" of the goods or services. The mark—with the consumer's imagination—suggests that the product works on or zones in on certain areas of the skin and helps to cure any problems but, it does not in any way actually describe exactly what those problems are or how it will help to treat them.

Furthermore, because each word can suggest a number of things, the mark is at best indirect in its connotation and thus fails to describe Applicant's goods with any "one degree of particularity." Thus, understanding which of the many possible connotations is the "correct" one absolutely requires thought and perception.

Moreover, the Trademark Trial and Appeal Board has repeatedly held that if the meaning of the mark is directed to the result of use of the goods, rather than the goods themselves, the mark is suggestive. E.g., In re Armour Agricultural Chemical Co., 155 U.S.P.Q. 175 (TTAB 1967) (TEE-GREEN for golf course fertilizer held not merely descriptive because it describes at best the result of use of the goods); In re John H. Breck, 158 U.S.P.Q. 299 (TTAB 1968) (PASTEL LOOK for shampoo and skin cream held not merely descriptive); The Fleetwood Co. v. The Mitchum Co., 139 U.S.P.Q. 281 (CCPA 1964) (FAYD held not merely descriptive of skin creams because it suggests a desired result of use of the cream).

IV. APPLICANT ARGUES IN THE ALTERNATIVE THAT THE MARK HAS ACQUIRED DISTINCTIVENESS AND IS ENTITLED TO REGISTRATION UNDER SECTION 2(f)

Notwithstanding Applicant's position that the mark TARGETED THERAPY is an inherently distinctive, suggestive mark, Applicant respectfully submits that the mark has acquired distinctiveness and is entitled to registration under 2(f) of the Trademark Act. Applicant submits herewith a Declaration of Acquired Distinctiveness, signed on behalf of the Applicant by its wholly-owned subsidiary, Kao Brands Company, which uses the mark in the

U.S. The United States Patent and Trademark Office considers issues relating to alleged descriptiveness or distinctiveness of a particular mark as existing at the time the application is examined. See In re Thunderbirds Prods. Corp., 406 F.2d 1389 (CCPA 1969).

As seen in the attached Declaration, the mark TARGETED THERAPY may have only been used in commerce for approximately one year, but the Applicant has acted very quickly and extensively to invest in this product name and as a result it has acquired distinctiveness and achieved extreme consumer recognition. As stated in the Declaration, Applicant has spent in excess of \$8 million for various forms of advertising across numerous media sources promoting its product under this mark. Examples of this widespread advertising illustrate that the mark acts as an indicator of the source of the goods. The mark has been featured in ads in nationally distributed magazines, including Family Circle, Good Housekeeping, InStyle, Ladies Home Journal, People, Self, Redbook, All You, Oprah and many others. Free-standing inserts with promotional ads and coupons, prominently featuring the TARGET THERAPY mark, have appeared in weekend newspaper supplements, and on extremely popular websites including Oprah Winfrey and Rachael Ray. The mark has also been featured in a high-profile campaign in conjunction with the American Red Cross, where one hundred thousand free samples of product bearing the TARGETED THERAPY mark have been made available to blood donors. In addition, prominent "shelf talkers" and displays featuring the TARGETED THERAPY mark have been placed in association with the product in major retail outlets.

To be registrable as a trademark, the asserted mark need only identify, distinguish and indicate the source of the goods recited in the application. TMEP Section 1301.02. The foregoing amply demonstrates that the mark would be associated as the source of the Applicant's products. This extensive promotional effort has reinforced the association. A Google search shows page after page of "hits" referring to the Applicant's TARGETED THERAPY product,

and not to a type of product in general. As such, Applicant has demonstrated that this mark acts as and has acquired distinctiveness a source indicator.

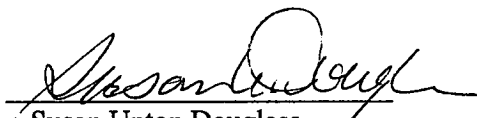
CONCLUSION

Based on the foregoing, Applicant respectfully requests reconsideration of the final refusal to registration.

Dated: December 21, 2007
New York, New York

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU,
P.C.

By: 
Susan Upton Douglass
Diane Marcovici Plaut
Attorneys for Applicant
866 United Nations Plaza
New York, New York 10017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kao Kabushiki Kaisha a/t/a Kao Corporation	:	
Serial No.:	78/925,970	:	
Filed:	July 10, 2006	:	Ellen J.G. Perkins
Mark:	TARGETED THERAPY	:	Examining Attorney
		:	Law Office 110
Our Ref:	KAO 06/05535	:	

**DECLARATION IN SUPPORT OF ACQUIRED
DISTINCTIVENESS UNDER SECTION 2(f)**

1. I am Corporate Counsel of Kao Brands Company, a wholly-owned subsidiary of Kao Corporation, the Applicant herein.
2. The TARGETED THERAPY trademark has been used in commerce by Kao Brands Company since January 2007. This use in commerce has been substantially exclusive and continuous.
3. Our TARGETED THERAPY products are now sold in 20,000 retail outlets across the United States, including major retail chains such as, Wal-Mart, Target, Kmart, CVS Pharmacy, and Walgreen's Pharmacy. We have invested heavily in the product launch in the stores with "shelf talkers" and large displays. Copies of sample in-store displays are attached as Exhibit A. These materials prominently display the TARGETED THERAPY mark in immediate proximity to the products; studies have shown that these displays are highly effective in creating brand recognition.
4. We have spent over \$8 million in advertising expenditures: \$7.2 million on print media; \$700,000 in print newspaper inserts; \$300,000 in web advertising. The 19 print media sources include: Family Circle, Good Housekeeping, People, Parenting, Redbook, All You,

Oprah, Everyday with Rachael Ray, Hallmark, Health, In Style, Cookie, Ladies Home Journal, Martha Stewart Living, More, Parents, Prevention Family Edition, Real Simple, and NAMS-Changes Magazine. A copy of the print advertising schedule is attached as Exhibit B.

5. The TARGETED THERAPY product and mark was prominently featured on high-traffic websites, including Real Simple, Food Network, Women's Health, Oprah.com and iVillage. Copies of the printouts from the websites are attached as Exhibit C.

6. We participated in a major arts and music festival in Chicago, "Cookie Jams," held on October 14, 2007. Many people attended this event, at which samples of TARGETED THERAPY lotion were given to the public. A copy of the printout from the website featuring the TARGETED THERAPY lotion and mark is attached as Exhibit D.

7. The product has been heavily endorsed as part of a promotion with the American Red Cross project called "Helping Hand Wall," which has been extensively advertised and promoted through print and website promotion. This major promotion took place in New York City in November 2007. Many celebrities were on hand and drew a substantial number of people. As part of the promotion with the American Red Cross, we also provided TARGETED THERAPY lotion samples to 250 blood drives across the country, with 400 samples at each location, for a total of 100,000 free samples. Copies of promotional materials used in conjunction with the American Red Cross promotions are attached as Exhibit E. All of these activities have caused the TARGETED THERAPY mark to be recognized as a source indicator and has created extreme goodwill in the mark, bringing it to the forefront of consumers' minds.

8. According to survey evidence, the TARGETED THERAPY brand has achieved an awareness level in the marketplace that is substantially above the awareness level of other competitive products in the relevant trade. It is among the top 3 recognized brands in its product category in fiscal year 2007.

9. As of October 2007, the product achieved \$4.4 million in gross sales, which is recognized as substantial in this category, as well as in all product categories, for this period of time.

10. Based on the extensive advertising, promotion and sales of products under the mark TARGETED THERAPY, I believe that the mark has become distinctive as indicating the source of our products to consumers. As such, the mark qualifies for registration under Section 2(f) of the Trademark Act.

11. All statements made herein of my own knowledge are true and all statements made on information and belief and are believed to be true. Further, these statements have been made with the knowledge that willful false statements or the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any registration resulting therefrom.

**Kao Brands Company,
a wholly-owned subsidiary of
Kao Kabushiki Kaisha a/t/a Kao Corporation**

By: Dennis R. Ward
[Signature]

Name: Dennis R. Ward

Title: Corporate Counsel

Dated: DECEMBER 19, 2007

EXHIBIT A

Curél
Targeted Therapy
fast-absorbing
hand
& cuticle
cream

Curél
Targeted Therapy
fast-absorbing
hand
& cuticle
cream

Curél
Targeted Therapy
fast-absorbing
hand
& cuticle
cream

Curél
Targeted Therapy
fast-absorbing
hand
& cuticle
cream

Curél
Targeted Therapy
fast-absorbing
hand
& cuticle
cream

Try Targeted Therapy
fast-absorbing
hand & cuticle cream
and deep-penetrating
foot cream
for noticeably
softer, smoother
hands & feet

NEW Curél Targeted Therapy™ h

Cancer

Try Targeted Therapy
fast-absorbing
hand & cuticle cream
and deep-penetrating
foot cream
for noticeably
softer, smoother
hands & feet



Targeted Therapy
hand & cuticle cream

Targeted Therapy
hand & cuticle cream

Targeted Therapy
hand & cuticle cream

Targeted Therapy™ hand & cuticle cream

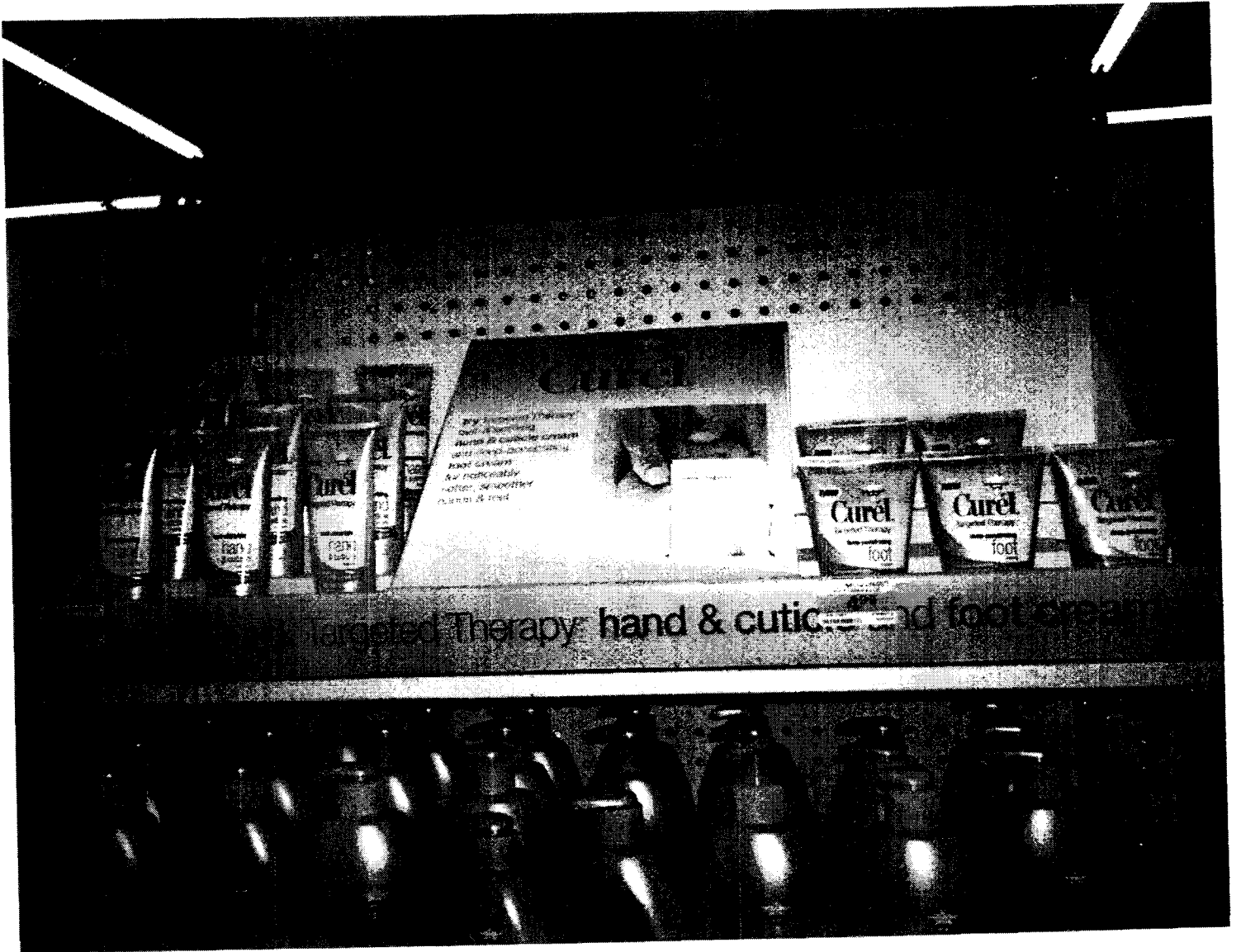
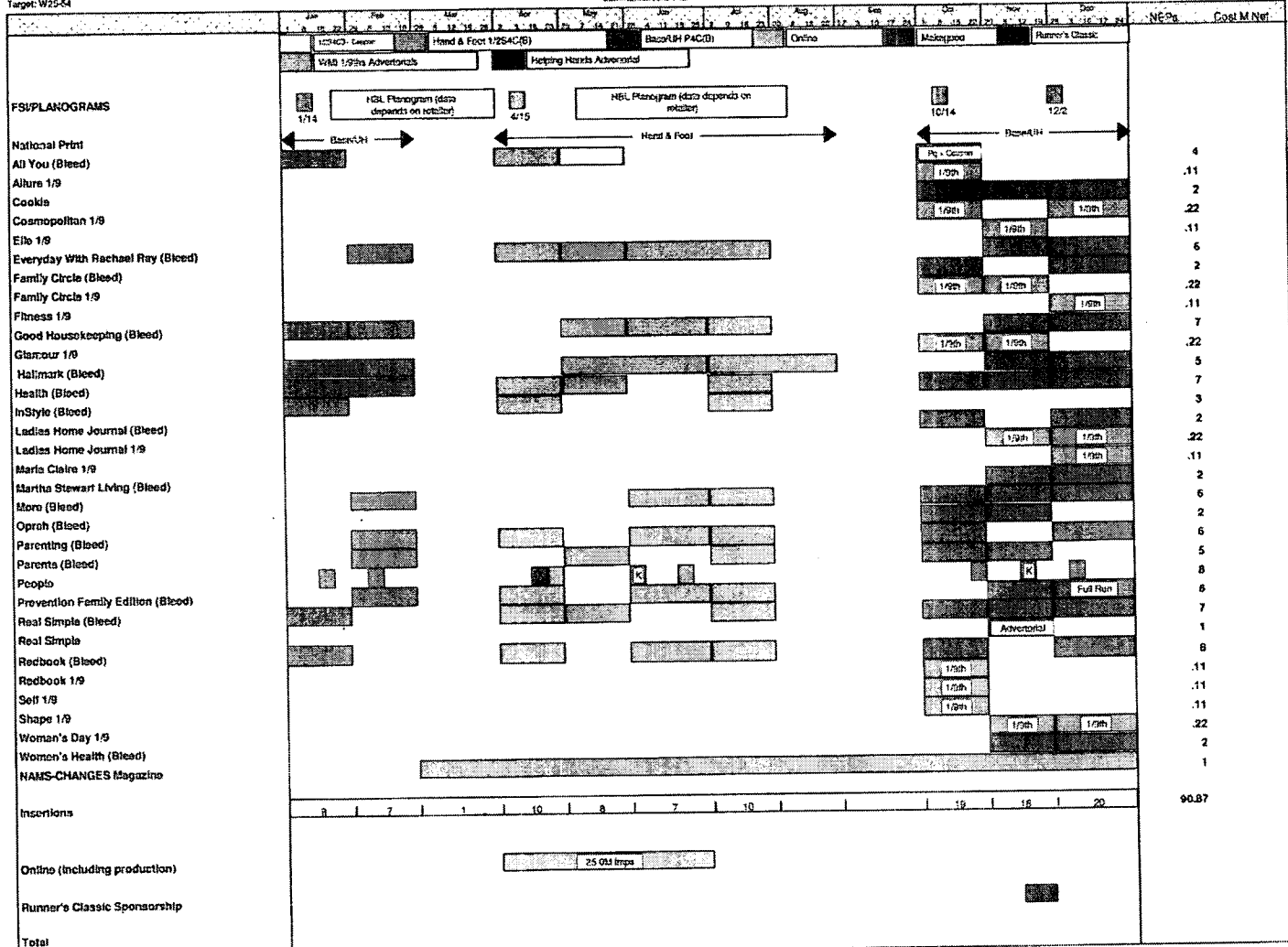


EXHIBIT B

Target: W25-54

Qurel 2007
Communications Plan

Issued 10/1/07
Revision 7



Source: Pritz-Simmons Fall 2003, Online-ComScore

K=People ticker (discount because another Kao brand is running in the previous, next or same issue).

EXHIBIT C

Real Simple 8.1.07

Curel Targeted Therapy™
Hand & Cuticle and Foot Creams
What skin needs™

REAL SIMPLE

ORGANIZING MEALS CLEANING LIFE SKILLS HOME ENTERTAINMENT INSIDE REAL SIMPLE

Life Skills

The Best Shades for Your Makeup, Hair, and Wardrobe

Which color looks best on you?

Makeup

- **Eye**

A shimmering taupe shadow is a good choice for any woman, says Tina Turbow, a New York City makeup artist. "Dark brown is too dark for someone fair, but taupe looks pretty, and on a black person, it even highlights the eyes." Brown browns have a similar effect, says New York- and Los Angeles-based makeup artist Pat Dubrell. And their shadows are the most

universally flattering of all, says Herewith McGinn, a makeup artist in San Francisco and the cofounder of Prospect Cosmetics. Orange and mauve shadows are often harder to wear, because the darker the color, the more skin tone-specific it is. If you like dark shadows or liners, try these scintillating, midnight blues, plums, and even purples, which flatter all skin colors because they have a balance of warm and cool undertones. Says Dubrell, "Purple, a New York City makeup artist's favorite,

REAL SIMPLE

ORGANIZING MEALS CLEANING LIFE SKILLS HOME ENTERTAINMENT INSIDE REAL SIMPLE

Meals

20 Chicken Dishes

Recipes:

- Chicken and Rice
- Chicken with Beans
- Garlic Roast Chicken
- Grilled Chicken Parmesan
- Individual Chicken Potpies
- Mediterranean Chicken
- Pan-Seared Chicken with Lemon-Herb Green Beans
- Quick Chicken Curry
- Spicy Chicken with Cilantro, Garlic, and Tomato
- Strawberry Garlic Chicken
- Stuffed Chicken with Feta and Spinach
- Stuffed Chicken with Swiss Potatoes and Parsi Sauce
- Southern Italian Chicken Curry

Winning photos will appear on a Times Square billboard.

REAL SIMPLE

ORGANIZING MEALS CLEANING LIFE SKILLS HOME ENTERTAINMENT INSIDE REAL SIMPLE

Meals

20 Chicken Dishes

Recipes:

- Chicken and Rice
- Chicken with Beans
- Garlic Roast Chicken
- Grilled Chicken Parmesan
- Individual Chicken Potpies
- Mediterranean Chicken
- Pan-Seared Chicken with Lemon-Herb Green Beans
- Quick Chicken Curry
- Spicy Chicken with Cilantro, Garlic, and Tomato
- Strawberry Garlic Chicken
- Stuffed Chicken with Feta and Spinach
- Stuffed Chicken with Swiss Potatoes and Parsi Sauce
- Southern Italian Chicken Curry

Curel

Targeted Therapy™
deep-penetrating
foot cream.

Handworking feet love Curel.



Enlighten Be Experienced.

Food Network 8.3.07

food network.com

Home Recipes & Cooking Holidays & Parties Quick & Easy Healthy Eating TV Shop Videos

Search

QUICK & EASY

- Chinese Cuisine
- Freezer Friendly Foods
- Instant Potatoes
- Asian Meals
- Meals for One
- One Pot Meals
- Snacks
- Two-Step

Find a TV Show

Select a TV Show

Today's TV Schedule

Find an Episode

Choose a show

Episode Topic

Enter Topic

Or watch stream online

Select week

Sponsor Recommendations

Home > Quick & Easy

Salads

Serve summer's answer to the one-pot meal

Ice Cream

Cool down with this summertime treat

Quick Cooking

Garlic and Herb Tomatoes

- 3 tbsp. good olive oil
- 2 tsp. minced garlic (2 cloves)
- 2 pers. cherry tomatoes or grape tomatoes

Click here for the full recipe

Fast Tip

Quick-Chilled Gazpacho

Store all your gazpacho ingredients, including tomato or vegetable juice, in the fridge for instantly-icy gazpacho. For even quicker cooling, toss an ice cube or two into the food processor or blender while you're making it.

- Gazpacho Antos
- Raspacho
- Chilled White Gazpacho

One Ingredient, Five Ways

- Garlic Parmesan

Five Ingredients or Less

- Pink Shrimp Dumplings

ADVERTISEMENT

Curel

Targeted Therapy™

Hand & Cuticle and Foot Creams

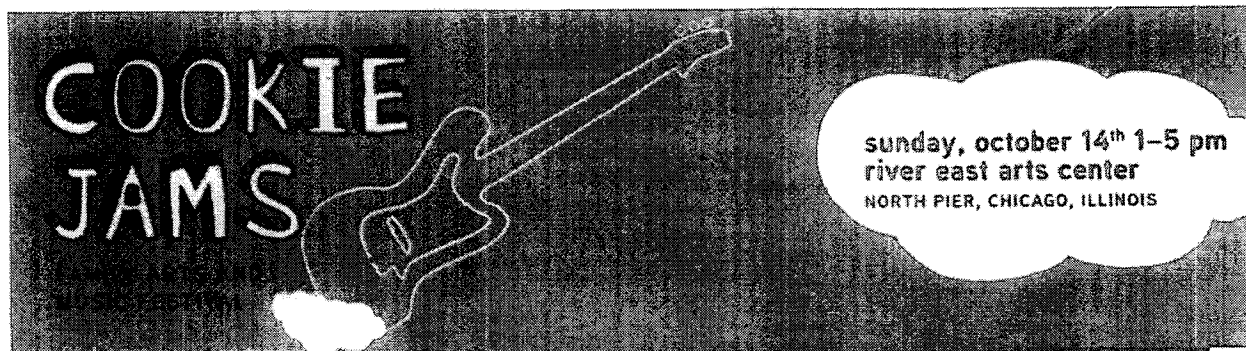
What skin needs™



Enlighten Be Experienced.

 Enlighten Be Experience

EXHIBIT D



PARTICIPATING SPONSORS INCLUDE:



CLICK ON A SPONSOR TO LEARN MORE

Curel® Targeted Therapy™ Hand & Cuticle Cream

Curel® Targeted Therapy™ Hand & Cuticle Cream

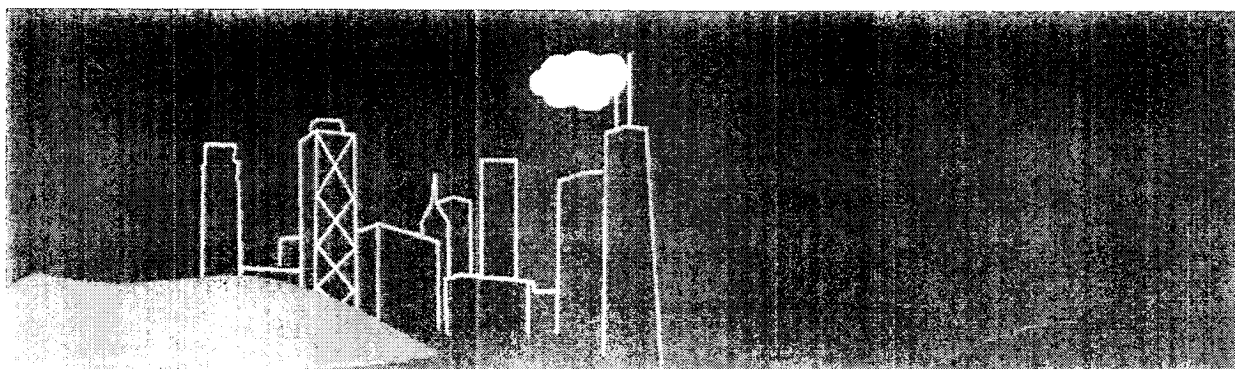
Curel® Targeted Therapy™ Hand & Cuticle Cream makes hands 2 times smoother in just one use. And for hard-working feet, use Curel® Targeted Therapy™ Foot Cream.

curel.com





« Home

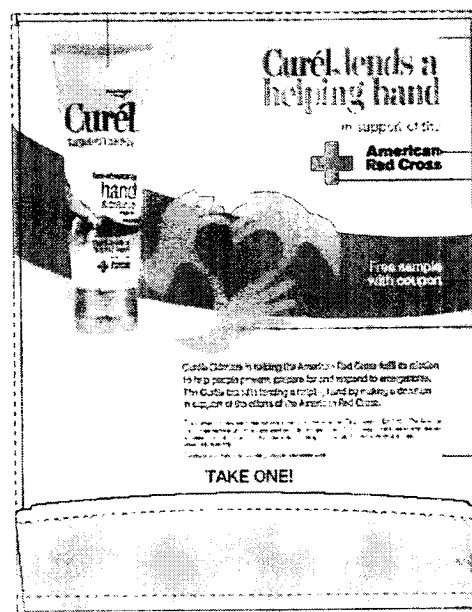


© 2007 CONDE NAST All rights reserved. Use of this Site constitutes acceptance of our [User Agreement](#) and [Privacy Policy](#).

EXHIBIT E

Sampling at Blood Drive Centers

- We will be supplying 250 American Red Cross blood drive centers with sample-sized products and coupons for the volunteers and donors to enjoy.
- Displays will contain 400 samples and will be displayed prominently at the blood drive centers.



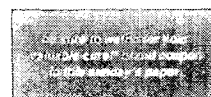
- E-blast sent this week



Our hands let us do just about
everything. And I know you've met
everybody's got a hand. I mean
we need a helping hand and I think you
for many people that help is needed is the American
Red Cross. That's why for the reason you know
the United Nations to help the people that help the
the American Red Cross.

[illegible]

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$



treat your hard-working hands to
curel® targeted therapy™
fast-absorbing hand & cuticle cream

[illegible][illegible][illegible]